

Message Text

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ACTION EA-12

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C O N F I D E N T I A L MANILA 10544

E.O. 11652: GDS

TAGS: SHUM, RP

SUBJECT: AMNESTY COMMISSION BEGINS ITS WORK; STATUS OF
AQUINO CASE

REF: MANILA 10261

1. SUMMARY: GOP AMNESTY COMMISSION BEGAN CONSIDERING 730 APPLICATIONS FOR AMNESTY UNDER NEW P.D. 1429 JUNE 21 AND APPROVED 20 AMNESTY REQUESTS DURING ITS FIRST DAY. COMMISSION CHAIRMAN BG DIMAYA TOLD PRESS HE HAS NOT RECEIVED AN APPLICATION FROM AQUINO BUT SPECULATED HE COULD HAVE APPLIED DIRECTLY TO MARCOS' OFFICE. ENRILE ALSO DENIED KNOWLEDGE OF AQUINO REQUEST. DIMAYA FURTHER TOLD PRESS AQUINO IS NOT TECHNICALLY QUALIFIED FOR AMNESTY, BUT SAID MARCOS COULD GIVE IT TO HIM ANYWAY. AQUINO FAMILY TELLS US THAT THE BALL IS IN MARCOS' COURT AND THAT NINOY IS SIMPLY WAITING FOR MARCOS TO ACT ON HIS REQUEST FOR RELEASE AND EXILE. END SUMMARY.

2. ALL MEDIA JUNE 21-22 REPORT THAT AMNESTY COMMISSION CHAIRED BY AFP JUDGE ADVOCATE GENERAL BG HAMILTON DIMAYA HAS BEGUN CONSIDERING 730 APPLICATIONS FOR AMNESTY UNDER RECENT PRESIDENTIAL DECREE 1429. ASKED ABOUT APPLICATION BY EX-SENATOR BENIGNO AQUINO, DIMAYA TOLD PRESS, "AS FAR AS THE AMNESTY COMMISSION IS CONCERNED, WE HAVE NOT RE-
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CEIVED ANY APPLICATION FROM AQUINO." DIMAYA WENT ON, HOWEVER, TO SAY APPLICATIONS CAN BE SUBMITTED TO OTHER GOVERNMENT AGENCIES, SUCH AS THE PRIME MINISTER'S OFFICE, AS WELL.

3. DEFENSE MINISTER ENRILE, INTERVIEWED SEPARATELY, ADDED: "I AM NOT AWARE OF ANY PETITION FILED BY FORMER

SENATOR AQUINO OR BY ANY PARTY ACTING ON HIS BEHALF. IF SUCH A PETITION EXISTS AND IS NOW IN GOVERNMENT HANDS, IT MUST HAVE BEEN SUBMITTED DIRECTLY TO THE PRESIDENT AND PRIME MINISTER."

4. ACCORDING TO DIMAYA, AS REPORTED IN "EVENING EXPRESS" JUNE 21, AQUINO IS NOT TECHNICALLY QUALIFIED FOR AMNESTY: "UNDER THE SEVERAL PROVISIONS OF THE EXISTING LAWS GOVERNING AMNESTY, AQUINO IS NOT ENTITLED TO AMNESTY BECAUSE OF THE PRESENCE OF DISQUALIFYING GROUNDS. HE IS CHARGED WITH CRIMES WHICH WERE COMMITTED 'IN FURTHERANCE OF SUBVERSION OR CRIMES AGAINST PUBLIC ORDER.' DIMAYA ADDED, HOWEVER, THAT AQUINO OR ANY OTHER PERSON MAY SEEK AMNESTY DIRECTLY TO THE PRIME MINISTER, WHO MAY STILL GRANT IT UNDER CERTAIN CONDITIONS HE MAY IMPOSE EVEN IF THERE IS A DISQUALIFYING GROUND FOR AMNESTY."

5. POL COUNSELOR HAD BRIEF OPPORTUNITY TO DISCUSS STATUS OF AQUINO MATTER WITH AQUINO'S MOTHER AND BROTHER AT RECEPTION JUNE 21. MRS. AQUINO AND SON BUTCH HAD VISITED NINOY AT BONIFACIO THAT AFTERNOON. THEY REPORTED NINOY TO BE IN GOOD SPIRITS AND SIMPLY WAITING FOR MARCOS TO ACT ON HIS REQUEST FOR RELEASE AND EXILE. THE BALL IS IN MARCOS' COURT, THEY NOTED. NINOY TOLD THE FAMILY, THEY SAID, THAT HE IS PREPARED TO WAIT UNTIL SEPTEMBER 21 (THE SIXTH ANNIVERSARY OF MARTIAL LAW) TO SEE IF MARCOS WILL RESPOND
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POSITIVELY TO HIS REQUESTS.

6. THE 730 AMNESTY APPLICANTS INCLUDE 626 FROM THE VISAYAS AND MINDANAO AND 104 FROM LUZON. ACCORDING TO THE COMMISSION, MOST OF THESE ARE CURRENTLY OUT OF DETENTION ON TEMPORARY RELEASE, AND MOST ARE CHARGED WITH SUBVERSION. THE COMMISSION IMMEDIATELY RECOMMENDED TWENTY APPLICATIONS TO PRIME MINISTER MARCOS FOR FINAL APPROVAL. ONE WAS TV/RADIO PERSONALITY ORLANDO MERCADO, CHARGED WITH MEMBERSHIP IN SEVERAL SUBVERSIVE ORGANIZATIONS. "BULLETIN TODAY" AND "TIMES JOURNAL" SAY THE OTHER 19 WERE ETHNICS FROM MOUNTAIN PROVINCE; "DAILY EXPRESS" SAYS THE OTHER 19 INCLUDE NILO TAYAG, FORMER KABATAANG MAKABAYAN (KM) HEAD; SATURININO OCAMPO, FORMER NEWSMAN AND SUSPECTED COMMUNIST PARTY (CPP) MEMBER; U.P. PHYSICS PROFESSOR ROGER POSADAS (SEPTOL), ACCUSED OF HEADING SUBVERSIVE "EXPLOSIVES MOVEMENT," AND LUZVIMINDO DAVID, DESCRIBED AS A KM AND CPP MEMBER. "TIMES JOURNAL" LISTS THESE PERSONS AS MERE APPLICANTS, ALONG WITH FORMER ILOCOS SUR CONGRESSMAN PABLO SANIDAD. MURPHY

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